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Group II, claims 5-16, directed to a technique for determining the connection speed of a computer;

Group III, claims 17-28, directed to a technique for determining the connection speed of a computer;

Group IV, claims 29-37 and 52-60, directed to a technique for determining the configuration of a remote computer in which a modified information header instruction is sent to that computer;

Group V, claims 38-50 and 61-73, directed to a technique for determining the configuration of a remote computer in which a modified information header instruction is received at that computer; and

Group VI, claims 51 and 74, directed to a technique to determine the type of digital rights management information resident on a user's computer.

Applicant elects, with traverse, Group I claims 1-4.

It is respectfully submitted that, contrary to the Examiner's argument, the claims of Groups II and III are directed to substantially the same invention and these claims should be grouped together in a single group, namely, Group II. Likewise, the claims of Groups IV and V are directed to substantially the same invention and these claims should be grouped together in a single group, namely, Group IV.

Applicant's representative agrees with the Examiner's view that Groups I, II, IV and VI are restrictable groups of claims.

The Examiner's argument justifying his requirement for restriction between the claims of Group II and the claims of Group III appears to be based on the limitation in Group II claim 5 that the size of a timing block is based on an estimated bandwidth. But all of the other

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recitations found in, for example, Group III claim 17 are sufficiently similar to the recitations found in Group II claim 5, resulting, rather, in claims of different scope; not claims to different restrictable inventions. Accordingly, the requirement for restriction between the claims of Group II and the claims of Group III should be withdrawn.

The Examiner's arguments in support of his requirement for restriction between the claims of Group IV and the claims of Group V likewise seem to be unwarranted. The Group IV claims are directed to subject matter from the viewpoint of the remote computer, whereas the Group V claims are directed to the same subject matter, but from the viewpoint of the user's computer. Both groups of claims are directed to essentially the same technique. Accordingly, the requirement for restriction between the claims of Group IV and the claims of Group V should be withdrawn.

Furthermore, it is submitted that a search for the invention defined by the Group II claims will require a search that encompasses the claims of Group III and, thus, both groups of claims of the instant application will be searched. Similarly, a search for the invention defined by the Group IV claims will require a search that encompasses the claims of Group V. Therefore, if the present requirement for restriction is maintained, the logical result will be the filing of divisional applications to include the claims encompassed by Group III and the claims encompassed by Group V. Of course, this will mean that the examination of such claims will be delayed. However, since the search for the claims included in the divisional application for Group III will overlap with and, in all probability, be identical to the search that is to be conducted on the Group II claims, and since the search for the claims included in the divisional application for Group V will overlap with the search that is to be conducted on the Group IV claims, the primary effort needed to examine all applications will be repeated. Furthermore, it is likely that the same


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Examiner will be in charge of the divisional cases; but in light of the delay between the prosecution of the respective applications, the Examiner will have to conduct duplicate, redundant searches at a later time. Alternatively, if a different Examiner is assigned to the divisional applications, a significant loss of PTO efficiency will result in his examination of those divisional cases.

Therefore, since the only logical outcome of the present restriction requirement with respect to the Group II/III claims and with respect to the Group IV/V claims would be to delay the examination of the claims included in Group III and in Group V, resulting in inefficiencies on the part of the Office and unnecessary expenditures by Applicant, and since the single search can be done for all claims in Groups II and III and a single search can be done for all claims in Groups IV and V without any significant burden on the Office, the withdrawal of the instant restriction requirement between Group II and Group III and the withdrawal of the instant restriction requirement between Group IV and Group V are respectfully solicited.

Respectfully submitted,
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